

Grant County Planning Commission

September 27th, 2004

The September 27 2004 regular meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Bill Marksberry, Brooke Rider, Nancy Duley, Marvin Faulkner, Howard Brewer, Dan Scroggins, William Covington, Marlon Kinsey, Attorney: Tom Neinaber Engineer: Ray Erpenbeck, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1: AUGUST MINUTES

Dan Scroggins made a motion to approve the meeting minutes for August, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: AUGUST FINANCIAL REPORT

Vernon Webster made a motion to approve the August financial report, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: ADMINISTRATORS REPORT

Jonathan Britt reminded the Commission that there would be a training session on Thursday, September 30th at 7:00 PM.

ITEM 4: TEXT AMENDMENT- CITY OF WILLIAMSTOWN

PUD ZONE

John Lawrence declared the public hearing open.

Doug Beckham stated that the request was to create a new Zoning District. He said that the PUD - Planned Unit Development Zone would allow for mixed use zoning. He said that the zone would allow for single family, multi family and commercial zoning and a site plan would be required.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan Britt said that the zone said that all the dwellings must meet the requirements of the "current edition" of the Building Codes and asked what if the Codes were updated.

Doug Beckham said that they had discussed this with the City Attorney and they chose that wording so if the Codes are changed the wording in the Ordinance would not have to be updated.

Vernon Webster questioned why catch basins and drainage areas could be included the required 10% green space.

Dan Scroggins said that he thought the purpose of reserving "green space" was to promote the use of the area by the community not just land that could not be developed.

Doug Beckham said that he considered "green space" to be hiking trails, biking trails and other nature areas and that the bottoms or land that can't be developed is useless.

Dan Scroggins said that the City could use the Ordinance to protect against using drainage and land that cannot be developed as "green space".

Jonathan Britt said that most drainage areas don't actually hold water and he said that it is common to use those areas as "green space".

Dan Scroggins made a motion to approve the request, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

AMENDMENT PROCEDURE

Dan Scroggins asked why they were requesting the change from “shall” include a development plan to “highly recommended” that a development plan be submitted.

Doug Beckham said that Boone County uses this procedure and it gives the developer more options. He said that the developer may submit a development plan but if they don’t then the “worse case scenario” must be considered when reviewing the zone change request. He said that the developer must submit a development plan at a later date to be approved by the Commission. He said that if a plan is not submitted that every permitted use in the requested zone must be considered. He said that in the past they have been accused of making the process tough of businesses and with this change they will not have the up front cost of the development plan.

Dan Scroggins said that if no development plan is submitted that he felt that each person could find a negative use in the zone. He said that without a development plan anything could be built on the property.

Doug Beckham said that the uses would be limited to the permitted uses listed in the specific zone and that the developer would be required to come back later for approval of the development plan. He said that this change is helping the developer by delaying the up front cost.

Dan Scroggins said that he felt that this would increase the number of zone change requests that are denied.

Doug Beckham said that he felt that alot of the developers would submit development plans.

Dan Scroggins said that he was leery of granting a zone change to someone who doesn’t know what they are going to do with the property.

Bill Marksberry made a motion to approve the request, Nick Kinman seconded the motion. A hand vote was taken, Vernon Webster: no, Nick Kinman: yes, Bill Marksberry: yes, Brooke Rider: yes, Nancy Duley: yes, Marvin Faulkner: yes, Howard Brewer: yes, Dan Scroggins: no, William Covington: yes, Marlon Kinsey: no. Motion passes.

ITEM 5: ZONE CHANGE - Travis Woodyard

APPLICANT: Travis Woodyard

GENERAL LOCATION: An approximate 5 acre area located on the South Side of Sherman Newton Road, 0.6 miles East of U.S. Rt. #25.

REQUEST: Agricultural - One (A-1) to Residential - One A (R-1A)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Craig Moore, representing the applicant, stated that the applicant currently owns 20 acres and is wanting to create two new lots, one of those with and existing home and 2.07 acres and another 2.93 acre parcel.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

Mr. Arlinghaus stated that he owned property that adjoined this property and that his property and this property were part of a 100 acre farm that was split up 15 years ago. He said that the land was split into A1 lots and he said that the A1 zone stated that the purpose of the zone is the create low density residential uses without permitting an intensity of development which would require the provision of urban facilities and services or which would have a materially adverse impact upon the vitality, uses, assets or character of any adjacent zone. He said that if this property was changed he felt that it would affect the character of his property. He said that if the owner has 20 acres and is taking the home and 2 acres and another 3 acre parcel the original zoning is kept with the 15 acres so that would create 2 more building lots. He said that he is afraid that if this zoning is changed now, 6 months from now they will request a change of zoning on the remaining 15 acres. He said that he believes that they are going to try and put a subdivision on the property. He said that the plat doesn’t show the topography of the land and he said that the land his very hilly, is a flood area and is a runoff zone. He said that he feels the development of the land would increase the runoff and would adversely affect his land.

John Lawrence declared the public hearing closed.

Jonathan Britt read the staff recommendation, which was approval of the zone change request, with conditions, because the zone change application does appear to be in compliance with the adopted Comprehensive Plan. Findings of Fact: 1. the placement of one additional single family dwelling unit should not have an inverse impact on the availability of police and fire protection. 2. the addition of one single family dwelling unit should not have an inverse impact on the transportation system of

the area. Conditions: 1. That the three (3) acre tract not be further subdivided. 2. that the applicant supply this office with an encroachment permit from the appropriate highway department.

Jonathan Britt said that he would like to see the site distance before the Commission makes a decision. He said that he is not against a home being built on the property but he is concerned about the site distance.

Craig Moore said that they did not have the site distance prepared.

Dan Scroggins asked what the other properties around this property were zoned.

Jonathan Britt said that 90% of the properties were zoned Agricultural One, 1 or 2 properties were zoned R1 and a few properties were zoned Rural Residential.

Jonathan Britt stated that he recommended that the Commission table their decision until the surveyor can provide the site distances.

Dan Scroggins made a motion to table the request until the site distances are provided, Nick Kinman seconded the motion. A hand vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Brooke Rider: yes, Nancy Duley: yes, Marvin Faulkner: yes, Howard Brewer: no, Dan Scroggins: yes, William Covington: yes, Marlon Kinsey: yes. Motion passes.

ITEM 6: GRANT COUNTY REALTY - SITE PLAN

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the site plan.

Jerry Keith stated that the site was located on Warsaw Avenue next to an existing 6 family apartment building and this apartment building would be a 5 family.

Dan Scroggins asked how this would be affected by the widening of Warsaw Avenue.

Mr. Keith said that the widening was going to stop just before this property and that they were going to use the existing drive and there would not be any new curb cuts.

Marlon Kinsey asked how the sharing of the driveway would impact the traffic.

Jonathan Britt said that most of the time people who live in apartments do not come and go at the same time and therefore it would not be a problem to share the drive.

Dan Scroggins asked Mr. Keith if he had seen the plans for the road and if the plans showed the widening of Warsaw Avenue stopping where it currently stops now.

Mr. Keith stated that he had not seen the plans.

Howard Brewer said that unless the City of Dry Ridge pushed the issue the widening was going to stop where it has stopped now.

Marlon Kinsey asked if the bypass would reduce the traffic on Warsaw Avenue.

Howard Brewer asked Jonathan Britt if he had a traffic count for the road.

Jonathan said that he did not.

Howard Brewer said that the count 2 years ago was 4,500 cars a day and that no one knows how the bypass will effect the traffic on that road.

Dan Scroggins made a motion to approve the plat, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: HARBOUR POINTE SECTION 2 - FINAL PLAT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the final plat.

Jonathan Britt stated that the initial test cylinders of the pavement failed but since then they have done more tests.

Craig Moore stated that the initial test cylinders failed, he said that they redrilled 16 cylinders and 1 of those failed; he said they then drilled 3 cylinders in the area of that one and all 3 of those passed.

Ray Erpenbeck stated that the first test cylinders failed when the street was paved he said that 9 failed the 4,500 PSI test and he required the developer to take 16 additional cylinders. He said that 15 of those met the ACI, American Concrete Institute standard which states that 85% of the specified strength is acceptable. He said that 1 cylinder did not meet the ACI standard so they took 3 more cylinders in the same area and all three of those met the 4,000 PSI. He said that the ACI Standards need to be added to the Subdivision Regulations.

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Dan Scroggins made a motion to approve the plan, Marvin Faulkner seconded the motion.

Jonathan Britt said that adding those will be looked at when the Subdivision Regulations are updated.

Ray Erpenbeck also said that the concrete was poured 2 inches thicker than the Subdivision Regulations require.

A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: CONVEYANCE PLATS - AUGUST

Vernon Webster made a motion to approve the August Conveyances, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: EXECUTIVE SESSION

none

ITEM 10: OTHER BUSINESS

Jonathan Britt told the Commission that he has been using his own vehicle for work and it has put a lot of wear and tear on it and also the price of gas has gone up extremely. He said that he has been using the County vehicle a lot but felt that the Commission needed to consider purchasing a vehicle possible from the state or a local used car lot.

Howard Brewer stated that the PVA had a car and asked who provided it for them.

Jonathan Britt said that the State provides their car.

Howard Brewer stated that Pat Conrad had a car and asked who provided it for her.

Jonathan Britt said that he did not know.

Howard Brewer stated that the county custodian had a car and asked who provided it for her.

Jonathan Britt said that the County provides that car.

Howard Brewer asked why the Commission couldn't ask the County to provide a car for them.

Jonathan Britt said that the Commission could not ask just one legislative body to provide the Commission with a car.

Vernon Webster suggested that Jonathan work through the executive Committee to find a vehicle and the Executive Committee can then make a recommendation to the Commission.

ITEM 11: ADJOURNMENT

Nick Kinman made a motion to adjourn, Dan Scroggins seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

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